

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WAYNE BERRY,

Plaintiff,

vs.

DEUTSCHE BANK TRUST COMPANY
AMERICAS (FKA BANKERS TRUST
COMPANY) and JP MORGAN CHASE
BANK in their separate capacities and as
agents for the pre- and post-petition lenders of
Fleming Companies, Inc.; GENERAL
ELECTRIC CAPITAL CORPORATION;
C&S WHOLESALE GROCERS, INC.; THE
POST-CONFIRMATION TRUST OF
FLEMING COMPANIES, INC.; ROBERT
KORS; CORE-MARK HOLDINGS INC. and
DOES 1 to 200,

Defendants.

Case No. 01:07 CV 7634 (WHP)

ECF Case

THE POST CONFIRMATION TRUST'S AND ROBERT KORS'
NOTICE OF MOTION FOR SUMMARY JUDGMENT

KIRKLAND & ELLIS LLP
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Trust and Robert Kors

PLEASE TAKE NOTICE that upon THE POST CONFIRMATION TRUST'S AND ROBERT KORS' MOTION FOR SUMMARY JUDGMENT the undersigned will move before the Honorable William H. Pauley III, Judge of the United States District Court for the Southern District of New York, at the United States District Courthouse, located at 500 Pearl Street, Courtroom 11D, New York, New York 10007, at 10:30 a.m. on April 4, 2008, for an order granting Defendants Post Confirmation Trust's and Robert Kors' Motion for Summary Judgment.

DATED: February 26, 2008

By: /s/ Richard L. Wynne
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